



COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING

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Bill Ritter, Jr., Governor • Joan Henneberry, Executive Director

DATE: Week Ending Friday, February 6, 2009

TO: HCPF Community

FROM: Ginny Brown, Legislative Liaison and Nicole Storm, Legislative Analyst

RE: Legislative Report – 2009 Session of the Colorado General Assembly

Presumptive Eligibility for Long Term Care (HB09-1103, Rep Riesberg, Sen Newell) is a bill that authorizes the Department to seek federal authorization to allow a person in need of long term care to be presumptively eligible for the Medical Assistance Program, provided that the person declares all pertinent information relating to income and assets. Pending authorization and spending authority, the Department may implement a pilot program which would allow more rapid enrollment of persons who are Medicaid eligible. This bill was adopted by the House, 61-4, and now moves to the Senate.

Medicaid Overexpenditure Authority (HB09-1222, JBC Bill). This legislation would extend the repeal dates of statutory sections authorizing overexpenditures for Medicaid; transfers of funds between the Department and the Department of Human Services; and transfers of cash spending authority. Repeal dates would be extended from July 1, 2009 to July 1, 2014; and from September 1, 2009 to September 1, 2014 and would allow the Department to continue to operate the Medicaid program. This bill was introduced and assigned to Appropriations Committee.

Our last Department proposal this session is a technical bill concerning a Supreme Court decision of *Ahlborn vs. Arkansas (HB09-1191, Rep McCann & Sen Boyd)* which brings our current state statute into compliance with federal law. Prior to the U.S. Supreme Court decision in Ahlborn, the Department was entitled to a lien against any recoveries from liable third parties on claims by a Medicaid client (tort and casualty recoveries). Ahlborn states that the Department could only have a lien on the medical portion of the recoveries. This bill has been introduced and assigned to Health and Human Services Committee.

HB09-1084, (*Rep Gagliardi & Sen Tochtrop*), a bill concerning the procedures for the review of Medicaid providers, was heard last week before the House Health and Human Services Committee. Four amendments were discussed, and bill was ultimately postponed indefinitely.

HB09-1273, (*Rep Kefalas & Senator Foster*), creates the Colorado health care authority as a political subdivision of the state which is intended to create a health care system in Colorado that is the administrator and payer for health care services. The bill has been introduced and assigned to Business Affairs and Labor Committee, as well as Appropriations.

For more information about legislative activities please contact Ginny Brown (303-866-3972) or Nicole Storm (303-866-3180) or access www.colorado.gov to search the General Assembly website. This report will be updated weekly on our website under Legislative Update <http://www.colorado.gov/cs/Satellite/HCPF/HCPF/1221475084921>.